

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BS2 MULTIDATA GMBH,

Plaintiff/Counter-Defendant,

Case No. 04-74394

v.

HON. DENISE PAGE HOOD

A-DAT CORPORATION,

Defendant/Counter-Plaintiff.

_____ /

AMENDED MEMORANDUM OPINION AND ORDER

This Opinion and Order incorporates by reference the Memorandum Opinion and Order dated August 28, 2007. In addition to the findings made therein, the Court finds the following with respect to the seventeen categories presented by Plaintiff BS2 Mutidata GMBH's in its Response to Defendant A-Dat Corporation's Motion in Limine:

- category (13) may not be introduced, as it relates to proximate cause;
- category (14) may not be introduced, as it is duplicitous of category (2) and also relates to proximate cause;
- category (15) may not be introduced, as it is not relevant to the issues to be tried in the damages trial;
- category (16) may not be introduced, as it relates to proximate cause; and
- category (17) may be introduced, to the extent that it relates to damages and not causation.

To recap, the only categories that may be introduced at trial are (10) (excluding the proximate cause language), (11), (12) (excluding the proximate cause language) and (17). The

remainder of the categories may not be introduced at the trial on damages. The only issue for trial is the amount of damages and the parties may not relitigate causation.

Accordingly, consistent with the Court's previous Order,

IT IS HEREBY ORDERED that Defendant's Motion in Limine [**Docket No. 33, filed July 12, 2007**] is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for an Ex Parte Order to Correct Record [**Docket No. 38, filed August 14, 2007**] is DENIED.

s/ DENISE PAGE HOOD
DENISE PAGE HOOD
United States District Judge

DATED: September 13, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 13, 2007, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager